

City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A627.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-01-19 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Restaurant with an outdoor patio proposing a separation distance between the Restaurant and a Residential Zone of less than 60.00m (approx. 196.9ft) whereas By-law 0225-2007, as amended, requires a minimum separation distance between a Restaurant and a Residential Zone of 60.00m (approx. 196.9ft) in this instance.

Background

Property Address: 2382 Dundas St W

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-21 - Commercial

Other Applications: SPAX 21-110, BP3NEW 22-4656, C 21-10104

Site and Area Context

The subject property is located in the Sheridan Neighbourhood Character Area, on the south side of Dundas Street West, and west of the Glen Erin Drive and Dundas Street West intersection. The immediate area consists of a variety of commercial uses contained in plazas fronting onto Dundas Street West. Vegetation is present in the form of trees and sod, along the perimeter of the property and southeast corner of the building. Low-density residential uses are located immediately south of the subject property. The subject property is large and contains a one-storey restaurant with wrap around parking.

The application proposes a restaurant with an outdoor patio requiring a variance for minimum separation distance to a residential zone.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

The subject property is located within the Sheridan Neighbourhood Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits restaurants. The

applicant is proposing a restaurant use within 60m (196.9ft) of a Residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot; a 60.0m (196.9ft) buffer is created. Staff note that the residential zone located within the 60m (196.9ft) of the proposed use, is located south of the subject property. A large parking area located at the rear of the building contain the restaurant use and provides a buffer to the residential zone.

Staff are of the opinion that the proposal is consistent with uses found in the immediate area. The applicant is proposing an outdoor patio; however, the patio will be located on the north side of the building, facing Dundas Street. Therefore, due to the location of the patio, significant buffer to the residential zone. The absence of a drive-thru facility further mitigates any impacts of the restaurant by minimizing any additional noise and odour disturbances to the adjacent residential uses.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 627/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 3NEW 22-4656. Based on review of the information currently available in this permit application, the variance, as requested is correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo, Zoning Examiner

Appendix 3 – Metrolinx

2382 Dundas St W

- The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>.
- Should you have any questions or concerns regarding the Dundas BRT or these comments please contact Zoya.Misbah@metrolinx.com.

Comments Prepared by: Farah Faroque – Intern, Third Party Projects Review

City Department and Agency Comments	File:A627.22	2023/01/11	5
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Appendix 4 – Region of Peel

We have no objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services